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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/618,871 | 07/14/2003 | William Calfas | 5194 | 6942 |

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HENRICKS SLAVIN AND HOLMES LLP
SUITE 200
840 APOLLO STREET
EL SEGUNDO, CA 90245

EXAMINER

SHRIVER II, JAMES A

ART UNIT PAPER NUMBER

3618

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/618,871

Applicant(s)

CALFAS ET AL.

Examiner

J. Allen Shriver

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-25 is/are allowed.
- 6) ☒ Claim(s) 26-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 22, 2005 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lanphear (US Patent 6,874,432 B2) in view of Biggs (US Patent 5,427,337) and Fink et al. (US Patent 6,474,665 B1).** Lanphear discloses a transporter to facilitate the upward and lateral movement of a person, the transporter comprising a base (220), a plurality of wheels (241-244) associated with the base such that the base may be moved in any lateral direction; a laterally extending platform (218) having an upper surface, a lower surface and side edges; a jack (216,217) mounted to said base and the platform, adapted to move the platform upwardly and downwardly relative to the base; a power source (250,251) adapted to turn the screw; and a

Art Unit: 3618

control (260,265) adapted to actuate the power source; **[claim 29]** wherein the wheels are freely rotatable about respective vertical axes; **[claim 30]** wherein said platform includes a planar upper surface devoid of protrusions. Lanphear does not specifically disclose said jack including a threaded screw having a locking characteristic, whereby to prevent lowering of the platform by its weight and by its weight combined with a load on it, except when the screw is positively turned. Biggs discloses a jack including a threaded screw having a locking characteristic, whereby to prevent lowering of the platform by its weight and by its weight combined with a load on it, except when the screw is positively turned (See column 11, lines 4-24). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to use a threaded screw having a locking characteristic for the jack disclosed in Lanphear in view of the teaching of Biggs. The motivation for doing so would have been to provide a slow, self-locking speed for the jack so that the raising and lowering of the platform is precisely controlled.

Lanphear does not disclose first and second platform surface discontinuities defined by at least one of the upper and lower surfaces at least substantially adjacent to opposing side edges of the platform and configured to be held by a human hand. Fink et al. discloses first and second platform surface discontinuities defined by at least one of the upper and lower surfaces (See Figs. 4 and 6-7) at least substantially adjacent to opposing side edges of the platform and configured to be held by a human hand. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to provide a first and second platform surface discontinuities on the platform disclosed in Lanphear in view of the teaching of Fink et al. The motivation for doing so would have been to allow a person grip the underside of the platform.

Art Unit: 3618

Regarding claim 27, Fink et al. discloses wherein the first and second platform surface discontinuities are located at opposing longitudinal edges.

Regarding claim 28, Fink et al. discloses wherein the first and second platform surface discontinuities extend downwardly from the lower surface of the platform (See Fig. 7).

3. **Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lanphear (US Patent 6,874,432 B2), Biggs (US Patent 5,427,337) and Fink et al. (US Patent 6,474,665 B1) and further in view of Hebert et al. (US Patent 5,179,745).** The combination of Lanphear, Biggs and Fink et al. does not disclose wherein said planar surface includes a socket and a removable support, said support being insertable into said socket to limit the sliding movement of a person being slidably moved on said surface. Hebert et al. discloses wherein said planar surface includes a socket (100, 102) and a removable support (90,92), said support being insertable into said socket to limit the sliding movement of a person being slidably moved on said surface. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to provide sockets and removable supports for the planar surface disclosed in Lanphear in view of the teaching of Hebert et al. The motivation for doing so would have been to allow the supports to be removed when the patient is transport off the transporter to a bed.

Allowable Subject Matter

4. Claims 13-25 are allowed over the prior art.

Art Unit: 3618

Response to Arguments

5. Applicant's arguments, filed August 22, 2005, with respect to claims 13-25 have been fully considered and are persuasive. The rejections of claims 13-25 have been withdrawn.

6. Applicant's arguments filed regarding claims 26-31 have been fully considered but they are not persuasive, as set forth in the rejection above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Allen Shriver whose telephone number is (571) 272-6698. The examiner can normally be reached on Monday, Wednesday and Thursday 6:30 am-6:00 pm and Tuesday 6:30 am-11:00 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris P. Ellis can be reached on (571) 272-6914. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

As of May 1, 2003, any response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

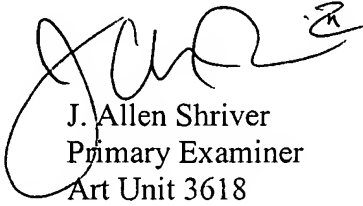
Or faxed to: (571) 273-8300 (for formal communications intended for entry). (571) 273-6698 (for informal communications directly to the Examiner).

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

Art Unit: 3618

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J. Allen Shriver
Primary Examiner
Art Unit 3618

JAS